


**MEMO ENDORSED**

Pillsbury Winthrop Shaw Pittman LLP  
600 Brickell Avenue | Miami, FL 33131 | tel 786.913.4900 | fax 786.913.4901

Geoffrey Sant  
tel: 212.858.1162  
geoffrey.sant@pillsburylaw.com

July 21, 2023

**VIA ECF**

The Honorable Katherine Polk Failla  
United States District Court  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 2103  
New York, NY 10007

Re: *Huzhou Chuangtai Rongyuan Investment Management Partnership, et al. v. Hui Qin*, Case No. 21 Civ. 9221 (KPF) – **Petitioners’ Request for Leave to File Documents with Redactions and Under Seal**

Dear Judge Failla:

We write on behalf of Petitioners Huzhou Chuangtai Rongyuan Investment Management Partnership, Huzhou Huihengying Equity Investment Partnership, and Huzhou Huirongsheng Equity Investment Partnership (“Petitioners”) to request leave to file certain documents with redactions and certain documents under seal, pursuant to the parties’ Stipulated Protective Order dated January 3, 2023, Dkt. 92.

In conjunction with Petitioners’ Renewed Motion to Compel, for Sanctions and for an Order of Civil Contempt (“Motion”) filed contemporaneously herewith, Petitioners respectfully request to file the following documents with redactions pursuant to Rule 9(B) of Your Honor’s Individual Rules of Practice in Civil Cases: (i) the Reply Memorandum of Law; (ii) the Declaration of Carol Lee, dated July 21, 2023 (“Lee Decl.”); and (iii) the Declaration of Lening Liu, dated July 20, 2023 (“Liu Decl.”). Petitioners respectfully request to file under seal the following exhibits to the Lee Decl. and the Liu Decl. pursuant to Rule 9(C) of Your Honor’s Individual Rules of Practice in Civil Cases:<sup>1</sup>

Exhibit	Description
<b>Lee Decl. Ex. 1</b>	A document bearing Bates-number Qin_00003560, produced by Qin in this action and marked Confidential
<b>Lee Decl. Ex. 2</b>	A document bearing Bates-number Qin_00003575, produced by Qin in this action and marked Confidential

<sup>1</sup> Petitioners seek to file the following documents under seal to be accessed by Your Honor and Respondent Hui Qin (“Qin”).

The Honorable Katherine Polk Failla

July 21, 2023

Page 2 of 3

<b>Lee Decl. Ex. 3</b>	A document bearing Bates-number Qin_00003577, produced by Qin in this action and marked Confidential
<b>Lee Decl. Ex. 4</b>	A document bearing Bates-number Qin_00003580, produced by Qin in this action and marked Confidential
<b>Lee Decl. Ex. 5</b>	A document bearing Bates-number Qin_00003391, produced by Qin in this action and marked Confidential, along with a certified translation of the same
<b>Lee Decl. Ex. 6</b>	A document bearing Bates-numbers Qin_00003347-3348, produced by Qin in this action and marked Confidential
<b>Lee Decl. Ex. 7</b>	A copy of Duo (Emma) Liu's Amended Responses to Petitioners' Document Subpoena
<b>Lee Decl. Ex. 8</b>	A document bearing Bates-numbers Qin_00003346, produced by Qin in this action
<b>Lee Decl. Ex. 10</b>	A linked video clip of the Qin deposition, which was marked Confidential
<b>Lee Decl. Ex. 11</b>	A linked video clip of the Qin deposition, which was marked Confidential
<b>Lee Decl. Ex. 13</b>	A document containing 19 pages of WeChat communications produced by Qin, which were marked Confidential
<b>Liu Decl. Ex. 2</b>	Excerpts of the Qin deposition, which was marked Confidential
<b>Liu Decl. Ex. 3</b>	A document containing a link to a secure file transfer platform containing video clips of the Qin deposition, which was marked Confidential

Pursuant to Rule 9 of Your Honor's Individual Rules of Practice in Civil Cases, a party seeking to file a document under seal must address the presumption in favor of public access to judicial documents. The Second Circuit set forth the relevant standard *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Under *Lugosch*, "[t]here is a common law presumption in favor of permitting public access to judicial documents, which are those documents 'relevant to the performance of the judicial function and useful in the judicial process.'" *GoSMiLE, Inc. v. Dr. Jonathan Levine, D.M.D. P.C.*, 769 F. Supp. 2d 630, 649 (S.D.N.Y. 2011) (quoting *Lugosch*, 435 F.3d at 119). A court balances this common law presumption of access against competing comparisons, including "the privacy interests of those resisting disclosure." *Lugosch*, 435 F.3d at 120 (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)). Thus, the issue is whether "the privacy interests of the defendants outweigh the presumption of public access." *GoSMiLE*, 769 F. Supp. 2d at 649-50.

Here, the Reply Memorandum of Law, the Lee Decl., Lee Decl. Exhibits 1-8, 10-11, and 13, and Liu Decl. Exhibits 2 and 3 all contain sensitive personal and financial information, such as Qin's bank account information, bank statements, and tax return information. Many of these documents were also marked Confidential pursuant to the Stipulated Protective Order by Qin. The parties' interest in protecting confidential information, specifically sensitive personal identifying information, overcomes the presumption of access. Indeed, Your Honor has previously granted Petitioners' request to file under seal certain exhibits to protect certain sensitive personal and financial information, which was clearly visible. *See* Dkts. 112, 177.

The Honorable Katherine Polk Failla

July 21, 2023

Page 3 of 3

Because these documents contain confidential information of the kind that is deserving of protection and restricting public access, Petitioners respectfully request that the Court grant their request to redact their Reply Memorandum of Law, the Lee Decl., and the Liu Decl., and to file the Lee Decl. Exhibits 1-8, 10-11, and 13, and Liu Decl. Exhibits 2-3 under seal.

Respectfully submitted,

/s/ Geoffrey Sant

Geoffrey Sant

cc: All counsel of record (via ECF)

Application GRANTED. The Clerk of Court is directed to maintain docket entries 207, 209, and 211 under seal, viewable only to the parties and the Court.

The Clerk of Court is further directed to terminate the motion at docket entry 206.

SO ORDERED.

Dated: July 24, 2023  
New York, New York



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE